

residing in the ceded territory finds root in the familiar principle of public law that the cession of territory by one sovereignty to another does not abrogate the laws in force at the time of cession for the administration of private justice.¹ Not at least until the new sovereign has abrogated or changed them, do such laws cease to operate, except possibly so far as they may conflict with the political character, institutions and Constitution of the Government to which the territory is ceded.² In the leading case of *Chicago and Pacific Railway Company v. McGlinn*,³ the Supreme Court of the United States said, "It is a general rule of public law, recognized and acted upon by the United States, that whenever political jurisdiction and legislative power over any territory are transferred from one nation or sovereign to another, the municipal laws of the country, that is, laws which are intended for the protection of private rights, continue in force until abrogated or changed by the new government or sovereign. By the cession, public property passes from one government to the other, but private property remains as before, and with it those municipal laws which are designed to secure its peaceful use and enjoyment. As a matter of course, all laws, ordinances, and regulations in conflict with the political character, institutions, and constitution of the new government are at once displaced. Thus, upon a cession of political jurisdiction and legislative power—and the latter is involved in the former—to the United States, the laws of the country in support of an established religion, or abridging the freedom of the press, or authorizing cruel and unusual punishments, and the like, would at once cease to be of obligatory force without any declaration to that effect; and the laws of the country on other subjects would necessarily be superseded by existing laws of the new government upon the same matters. But with respect to other laws affecting the possession, use and transfer of property, and designed to secure good order and peace in the community, and promote its health and prosperity, which are strictly of a municipal character, the rule is general, that a change of government leaves them in force until, by direct action of the new government, they are altered or repealed."

63. Continue as Federal laws.—In the comparatively recent case of *Stewart & Co. v. Sadrakula*,⁴ the issue of law involved, as stated by Justice Reed, was "whether an existing provision of a state statute requiring the protection of places of work in the

¹ Halleck, International Law, Chap. 34, Sec. 14; *Chicago & Pacific Railway Co. v. McGlinn*, 114 U. S. 542, 547, 5 S. Ct. 1005.

² *Barrett v. Palmer*, 135 N. Y. 336; 31 N. E. 1017; *Hill v. Ring Cons. Co.*, 19 F. Sup. 434; *Pacific Coast Dairy Co. v. Dept. of Agriculture*, 318 U. S. 285; *Capetola v. Barclay White Co.*, 139 F. (2) 556.

³ 114 U. S. 542, 5 S. Ct. 1005.

⁴ 309 U. S. 94, 60 S. Ct. 431.